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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 1(c)

ORGANIZATION OF WORK

METHODS OF WORK OF THE SUB-COMMISSION

Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. El-Hajje, Mr. Fan, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer: draft resolution

1997/... Methods of work of the Sub-Commission

The Sub-Commission on Prevention of discrimination and protection of Minorities,

Taking note with appreciation of the working paper prepared by Mr. Hatano pursuant to its decision 1996/114 (E/CN.4/Sub.2/1997/3),

Welcoming the establishment of a sessional working group on the methods of work of the Sub-Commission, chaired by Mr. Bossuyt,

Noting that the sessional working group was unable, owing to lack of time, to complete its consideration of the working paper,

Hoping that ample time, either in public or private meetings, will be allocated to complete the consideration of the working paper during its next session,

1. Decides to entrust Mr. Ribot Hatano with the preparation of a revised working paper containing a compilation of rules of procedure, guidelines, decisions and practices, applicable to the work of the Sub-Commission, taking full account of the opinions expressed both at the sessional working group and the Sub-Commission, including written comments submitted to the Secretariat during the forty-ninth session, and to submit his report to the Sub-Commission at its fiftieth session;

2. Requests the Secretary-General to provide Mr. Hatano with all the assistance needed for his work, especially the translation into English of the comments referred to in the preceding paragraph and their transmittal to him as soon as possible and not later than the end of November.

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Forty-ninth session
Agenda item 10(b)

FREEDOM OF MOVEMENT

HUMAN RIGHTS AND POPULATION DISPLACEMENTS

Mr. Boutkevitch, Ms. Daes, Mr. Eide, Mr. Lindgren Alves, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer: draft resolution

1997/... Freedom of movement and population transfers

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of everyone lawfully within the territory of a State to liberty of movement and freedom to choose his or her residence and the prohibition of arbitrary deprivation of the right to enter one's own country as set out in article 12 of the International Covenant on Civil and Political Rights and article 13 of the Universal Declaration of Human Rights,

Recognizing that practices of forcible exile, mass expulsion and deportation, population transfer, forcible population exchange, unlawful evacuation, eviction and forcible relocation, "ethnic cleansing" and other forms of forcible displacement of populations within a country or across borders not only deprive the affected populations of their rights to freedom of movement but also threaten the peace and security of States,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, and article 14 of the Universal Declaration of Human Rights, which reaffirm that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to one's own country,

Recalling also its resolutions 1995/13 of 18 August 1995 and 1996/9 of 23 August 1996, in which it decided to continue its consideration of the question of population displacement and to keep under constant review any developments in the right to freedom of movement, including the right to seek asylum, the right to remain and the right to return,

Recalling further that in its resolution 1996/9 it requested the Secretary-General to convene an expert group seminar on population transfer,

Expressing its appreciation of the work and of the final report of the Special Rapporteur on human rights and population transfer, Mr. Awn Al-Khasawneh (E/CN.4/Sub.2/1997/23), as well as the conclusions and recommendations of the expert group seminar on the human rights dimensions of population transfer, held in Geneva from 17 to 21 February 1997, contained therein,

Noting that policies and practices of forcible displacement continue to be the major causes of refugee flows and the displacement of persons within States,

Concerned that the growing number of refugees and internally displaced persons worldwide poses a serious threat to peace and security and that restrictive policies of many States may lead to difficulties for people leaving their country in order to seek asylum, as well as to the detention of refugees and asylum seekers,

Noting the need to further rationalize and harmonize the various international standards in this complex and evolving area,

Convinced that a comprehensive strategy needs to be devised to implement the standards in tangible programmes of action within both a regional and national context,

1. Welcomes the final report of the Special Rapporteur on the human rights and population transfer (E/CN.4/Sub.2/1997/23) and the draft declaration on population transfer and the implantation of settlers annexed

thereto, as a first step towards defining the standards and legal norms pertaining to population transfer and the freedom of movement;

2. Welcomes the working paper on the right of freedom of movement and related issues prepared by Mr. Volodmyr Boutkevitch (E/CN.4/Sub.2/1997/22) as a contribution towards a comprehensive approach to combating policies and practices of forcible displacement;

3. Affirms the right of persons to be protected from forcible displacement and to remain in peace in their own homes, on their own lands and in their own countries;

4. Also affirms the right of refugees and internally displaced persons to return voluntarily, in safety and dignity, to their countries of origin and, within them, to their places of origin or choice, and urges Governments to assist in and facilitate such return;

5. Urges Governments and other entities involved to do everything possible to stop and prevent all practices of forced displacement, population transfer and "ethnic cleansing" in violation of international law;

6. Also urges all States to respect the principle of non-refoulement and to safeguard and give effect to the right of everyone to seek and to enjoy in other countries asylum from persecution;

7. Strongly encourages all Governments and other entities, including intergovernmental and non-governmental organizations, to intensify their cooperation and assistance to implement the relevant international standards in order to address the serious problems resulting from forcible displacement, and the root causes of such displacement;

8. Decides, in its further work on the right to freedom of movement, including the right to remain, the right to leave and seek asylum and the right to return, to examine the legal standards applicable to different types of forced displacement and any lacunae between those standards, in time for submission to the Sub-Commission at its fifty-first session;

9. Also decides to convene a further expert seminar, in close cooperation with relevant intergovernmental and non-governmental organizations and without financial implications, to assist in and to make practical recommendations for the further work of the Sub-Commission on the right to freedom of movement;

10. Further decides to recommend to the Commission on Human Rights that the final report of the Special Rapporteur on human rights and population transfer, Mr. Awn Al-Khasawneh, be published and widely disseminated;

11. Recommends to the Commission on Human Rights the following draft decision for adoption:

"The Commission on Human Rights approves decision 1997/... of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and recommends to the Economic and Social Council that the final report of the Special Rapporteur on human rights and population transfer be published and widely disseminated."

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Sub-Commission on Prevention of
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Forty-ninth session
Agenda item 10

FREEDOM OF MOVEMENT

Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt,
Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide,
Mr. El-Hajjé, Mr. Fan, Mr. Fix Zamudio, Mr. Guissé,
Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalil,
Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Ms. Palley,
Mr. Park, Ms. Warzazi and Mr. Yimer: draft resolution

1997/... Study concerning the right to freedom of movement

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Study of Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country (United Nations publication, Sales No. E.64.XIV.2), submitted to the Sub-Commission at its fifteenth session in 1963 by the Special Rapporteur, Mr. José D. Ingles (Philippines), and the draft principles respecting this right adopted by the Sub-Commission at the same session,

Recalling also the study concerning an analysis of the current trends and developments regarding the right to leave any country including one's own, and to return to one's own country (E/CN.4/1988/35 and Add.1 and Add.1/Corr.1), submitted to the Sub-Commission at its fortieth session by the Special Rapporteur, Mr. C.L.C. Mubanga-Chipoya (Zambia),

Reaffirming the right of everyone lawfully within the territory of a State to liberty of movement and freedom to choose his residence, and the prohibition of arbitrary deprivation of the right to leave any country, including one's own, and to return to one's country, as set out in article 12 of the International Covenant on Civil and Political Rights and article 13 of the Universal Declaration of Human Rights,

Taking note of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), which reaffirms that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to his own country,

Recalling its decision 1996/109 of 23 August 1996, in which the Sub-Commission, mindful of the links between the protection of minorities, prevention of discrimination, population movements and displacements, freedom of movement, the right to leave and to return to one's own country and the right to seek and enjoy asylum, decided, without a vote, to entrust Mr. Volodymyr Boutkevitch with the task of preparing, without financial implications, a working paper on the right to freedom of movement and related issues,

1. Welcomes the working paper on the right to freedom of movement and related issues prepared by Mr. Volodymyr Boutkevitch (E/CN.4/Sub.2/1997/22);

2. Decides, since this subject requires careful and comprehensive inquiry, to recommend to the Commission on Human Rights and the Economic and Social Council the appointment of Mr. Volodymyr Boutkevitch as Special Rapporteur with the task of preparing an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, to have the possibility to enter other countries without discrimination, and to seek and enjoy asylum, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights;

3. Requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-first session;

4. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of resolution 1997/... of ... August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Sub-Commission to appoint Mr. Volodymyr Boutkevitch as Special Rapporteur with the task of preparing an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, to have the possibility to enter other countries, without discrimination, and to seek and enjoy asylum, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights. The Commission also decides to invite Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on this question, and recommends the following draft decision to the Economic and Social Council for adoption:

'The Economic and Social Council, taking note of Commission on Human Rights decision 1998/... of ..... 1998, approves the endorsement by the Commission on Human Rights of the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint Mr. Volodymyr Boutkevitch as Special Rapporteur with the task of preparing an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, and to have the possibility to enter other countries without discrimination, and to seek and enjoy asylum, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights, and to submit a preliminary report to the Sub-Commission at its fifty-first session, and requests the Secretary-General to provide all assistance necessary to enable him to complete his study.'"

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Forty-ninth session
Agenda item 9 (d)

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

JUVENILE JUSTICE

Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer: draft resolution

1997/... Juvenile justice

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of its decision at its present session to include the question of juvenile justice as sub-item (d) of item 9 dealing with the administration of justice and human rights,

Recalling that Ms. Lucy Gwanmesia, as a member of the sessional working group on the administration of justice and the question of compensation, was requested at the 1996 session of the working group to prepare a working paper on juvenile justice,

Recalling that article 37 of the Convention on the Rights of the Child provides that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment and that neither capital punishment nor life imprisonment shall be imposed on children, and that no child shall be detained or imprisoned except in conformity with the law,

Reaffirming section I, paragraph 21, of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, in which the Conference, welcoming the early ratification of the Convention on the Rights of the Child by a large number of States, urged universal ratification of the Convention by 1995 and its effective implementation by States parties through the adoption of all the necessary legislative, administrative and other measures,

Mindful of the international human rights instruments pertaining to the question of juvenile justice, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"),

1. Notes with interest the discussions at the 1996 sessional working group on the administration of justice concerning the question of juvenile justice (see E/CN.4/Sub.2/1997/21, chap. V) and mindful of the importance attached to this question expressed during the discussion by the Sub-Commission of the report of the working group;

2. Regrets that in contravention of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") many States continue to detain children with adult prisoners;

3. Also regrets that in many States the system of administration of justice fails to take account of the special psychological and physical needs of children;

4. Calls upon States to provide for the establishment of juvenile courts in their respective system of administrative justice;

5. Notes with regret that the Committee on the Rights of the Child has so far been unable to adopt any general comments on the Convention on the Rights of the Child;

6. Decides to request Ms. Lucy Gwanmesia to prepare, without financial implications, a detailed working paper on juvenile justice to be submitted to the Sub-Commission at its fiftieth session;

7. Invites the relevant organizations and bodies of the United Nations system, in particular the United Nations Children's Fund and the Committee on the Rights of the Child, to cooperate with Ms. Gwanmesia in the preparation of her working paper.

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Agenda item 9

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Ms. Gwanmesia, Mr. Joinet, Mr. Mehedi, Ms. Warzazi and Mr. Yimer: draft resolution

1997/... Privatization of prisons

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its decision 1989/110 of 1 September 1989 and 1992/107 of 27 August 1992,

Recalling also that in its decision 1993/109 of 25 August 1993, the Sub-Commission requested the Commission on Human Rights to authorize it to appoint at its forty-sixth session, one of its members to undertake a special study on this issue,

Mindful of Commission on Human Rights decision 1994/103 of 4 March 1993, in which the Sub-Commission was requested to reconsider its decisions to

recommend a number of new studies, including the one relating to the privatization of prisons, and to submit its recommendations to the Commission at its fifty-first session,

Considering that following the guidance given by the Commission and in order to monitor developments on this issue, the Sub-Commission refrained from submitting new proposals to the Commission on this matter at its forty-sixth, forty-seventh and forty-eighth sessions,

Bearing in mind the working paper submitted by Mr. Miguel Alfonso Martínez in which he made a proposal as to the best possible way for the Sub-Commission to study the issue of privatization of prisons (E/CN.4/Sub.2/1991/56) and the outline prepared by Ms. Claire Palley on the possible utility, scope and structure of a special study on this matter (E/CN.4/Sub.2/1993/21),

Taking into account that in recent years the practice of privatizing penal facilities has been adopted by an increasing number of States and that a wide variety of issues relating to the advantages and disadvantages of the privatization of prisons have been raised and discussed by many sources,

Taking into account also the ample discussion held on this matter during this year's session of its working group on the administration of justice (see E/CN.4/Sub.2/1997/21, paras. 39-45) and the recommendation submitted thereon to the Sub-Commission by the working group (E/CN.4/Sub.2/1997/21, para. 46).

1. Decides to request its parent bodies to authorize it to appoint one of its titular experts as special rapporteur in order to undertake an in-depth study on all issues relating to the privatization of prisons, including the rule of law and the possible civil responsibility of enterprises managing private prisons and their employees, a study which should be completed in time for consideration by the Sub-Commission at its fifty-second session;

2. Recommends the following decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, recalling its decision 1994/103 of 4 March 1994 and Sub-Commission on Prevention of Discrimination and Protection of Minorities and decision 1993/109 of 25 August 1993,

endorses the recommendation contained in Sub-Commission resolution 1997/... of .. August 1997 and recommends that the Economic and Social Council authorize the Sub-Commission to appoint one of its titular experts as special rapporteur in order to undertake an in-depth study on all issues relating to the privatization of prisons, including the rule of law and the possible civil responsibility of enterprises managing private prisons and their employees, to be completed in time for consideration by the Sub-Commission at its fifty-second session."

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Agenda item 11

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalil, Ms. Koufa, Mr. Lindgren Alves, Mr. Maxim, Ms. McDougall, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi and Mr. Yimer: draft resolution

1997/... The protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the increasing challenges presented by the HIV/AIDS epidemic require intensified efforts to ensure universal respect for and observance of fundamental human rights and freedoms, as well as the avoidance of HIV/AIDS-related discrimination and stigma,

Emphasizing the responsibility of Governments to ensure the full realization of all human rights and freedoms by people affected by HIV/AIDS and to strengthen national and international mechanisms concerned with HIV/AIDS-related human rights and ethics,

Noting the holding of the Second International Consultation on HIV/AIDS and Human Rights in September 1996 and in particular the adoption of guidelines for States on the promotion and protection of fundamental human rights and freedoms in the context of HIV/AIDS (E/CN.4/1997/37),

Noting also Commission on Human Rights resolution 1997/33 of 11 April 1997,

Recalling its own resolution 1996/33 of 29 August 1996,

1. Welcomes the guidelines and the recommendations for their implementation adopted by the Second International Consultation on HIV/AIDS and Human Rights in September 1996 (E/CN.4/1997/37);

2. Calls upon special rapporteurs, representatives and working groups, as well as other United Nations human rights bodies, to continue to address all HIV-related issues arising under their mandates, with particular attention to women, children and vulnerable groups, and to incorporate the guidelines into their activities;

3. Requests the United Nations High Commissioner for Human Rights, through the Commission on Human Rights, to continue to incorporate HIV/AIDS-related issues, as appropriate, in all the Centre's activities, including participating, without financial implications, in a seminar on exploring ways to assess implementation of the guidelines;

4. Urges the Commission to request the Secretary-General to transmit the guidelines to Heads of State and to the heads of all relevant United Nations bodies and agencies for action;

5. Urges States to ensure wide dissemination of the guidelines and to establish mechanisms, as appropriate, for their implementation at the national and regional levels, and to assist the Secretary-General in his preparation of a progress report to be submitted to the Commission on Human Rights at its fifty-fifth session in accordance with Commission resolution 1997/33;

6. Urges non-governmental organizations to implement the guidelines by integrating the question of HIV/AIDS and human rights within their activities;

7. Requests UNAIDS and its co-sponsors to continue the integration of a strong human rights component into all its activities, to circulate the

guidelines widely throughout the United Nations system, and to organize a seminar on exploring ways to assess implementation of the guidelines;

8. Strongly urges the Commission on Human Rights to keep under review the issue of HIV/AIDS-related human rights violations and discrimination;

9. Decides to keep the issue of HIV/AIDS-related human rights violations and discrimination under review and to give consideration to this issue under relevant items of its agenda, as well as in the work of its relevant working groups and special rapporteurs.

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Agenda item 11

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Mr. Ali Khan, Ms. Attah, Mr. Diaz Uribe, Ms. Gwanmesia, Mr. Maxim, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer: draft resolution

1997/... Review of further developments in fields with which the Sub-Commission has been or may be concerned

Recalling that since the adoption of its resolution 1 B (XXXII) of 5 September 1979, the Sub-Commission has considered ways of encouraging Governments to ratify or adhere to human rights instruments,

Recalling also its resolution 1994/31 of 26 August 1994, in which the Sub-Commission, acknowledging that no substantive progress had been made in its attempt to convince Governments of the utility of the involvement of the United Nations in assisting them to ratify human rights instruments and noting that Governments declined formally to respond to the Sub-Commission's invitation to clarify why they were unable to ratify them, decided to discontinue consideration of the matter under a separate agenda item but also decided to continue its consideration of these issues when they arose,

Recalling further the letter from the Chairman of the Committee on the Elimination of Racial Discrimination to the Chairman of the forty-eighth session of the Sub-Commission (see E/CN.4/Sub.2/1997/31), which includes a request for a study to be undertaken on reservations to treaties,

Recalling General Comment No. 24 adopted by the Human Rights Committee in 1994 (CCPR/C/21/Rev.1/Add.6), in which the Committee explained its jurisdiction on assessing the compatibility of reservations with respect to the International Covenant on Civil and Political Rights,

Recalling also the concern expressed by the Sub-Commission and the Committee on the Elimination of Discrimination against Women about reservations to the Convention on the Elimination of All Forms of Discrimination against Women,

Recognizing that the activities of the various bodies of the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

1. Considers that the preliminary conclusions of the International Law Commission on reservations to normative multilateral treaties including human rights treaties may be inconsistent with General Comment No. 24 of the Human Rights Committee and actions by other human rights treaty bodies;

2. Requests the Secretary-General to bring the preliminary conclusions of the International Law Commission on reservations to normative multilateral treaties including human rights treaties to the attention of the six human rights treaty bodies, and to ask them to transmit their views on the preliminary conclusions to the International Law Commission and the Sub-Commission.

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Agenda item 4

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Mr. Bossuyt, Mr. Boutkevitch, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Guissé, Mr. Khalil, Mr. Fix Zamudio, Mr. Maxim, Mr. Mehedi, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer: draft resolution

1997/... Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1992/23 of 27 August 1992 and 1993/37 of 26 August 1993 concerning the implementation of a study on the impunity of perpetrators of violations of human rights,

Recalling also its resolution 1994/34 of 26 August 1994 in which it entrusted Mr. Guissé with the task of reporting to it on impunity in respect of violations of economic, social and cultural rights, together with its resolutions 1995/34 of 24 August 1995 and 1996/24 of 29 August 1996,

Considering that the Special Rapporteur submitted to it in 1995 a first interim report on the question of the impunity of perpetrators of human rights

violations (economic, social and cultural rights) (E/CN.4/Sub.2/1995/19), followed by a second interim report (E/CN.4/Sub.2/1996/15) in 1996, and the final report (E/CN.4/Sub.2/1997/8) in 1997,

1. Requests the Secretary-General to transmit the final report of the Special Rapporteur to the Commission on Human Rights for consideration;

2. Recommends to the Commission on Human Rights that it consider the possibility of appointing a special rapporteur of the Commission on the impunity of perpetrators of violations of economic, social and cultural rights.

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Forty-ninth session
Agenda item 10 (a)

FREEDOM OF MOVEMENT

THE RIGHT TO LEAVE ANY COUNTRY, INCLUDING ONE'S OWN,
AND TO RETURN TO ONE'S OWN COUNTRY, AND THE RIGHT
TO SEEK ASYLUM FROM PERSECUTION

Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko,
Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé,
Mr. Fix Zamudio, Mr. Hatano, Mr. Lindgren Alves,
Mr. Maxim, Mr. Mehedi, Ms. Palley, Mr. Weissbrodt
and Mr. Yimer: draft resolution

1997/ ... The right to return

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of every person to return to his or her own country, as enshrined in article 13.2 of the Universal Declaration of Human Rights and article 5 (d) (ii) of the International Convention on the Elimination of All Forms of Racial Discrimination, and the prohibition of arbitrary deprivation of the right to enter one's own country contained in article 12.4 of the International Covenant on Civil and Political Rights,

Recalling its resolution 1996/9 of 23 August 1996 in which it affirmed the right of refugees and internally displaced persons to return voluntarily, in safety and dignity, to their country of origin and/or within it to their place of origin or choice, and in which it decided to continue to study the question of the freedom of movement, including the right to return,

Recognizing the fundamental significance of the observance and promotion of the right to return voluntarily to one's country or place of origin as a principal means of resolving the problems and suffering of refugees and internally displaced persons,

Conscious that the arbitrary deprivation of nationality, prohibited by article 15.2 of the Universal Declaration of Human Rights, constitutes a violation of a fundamental and inalienable human right and an impediment to the right to return to one's country,

Recalling further the Convention of the Reduction of Statelessness,

Aware of Commission on Human Rights resolution 1997/36 of 11 April 1997 entitled "Human rights and arbitrary deprivation of nationality", in which the Commission reaffirmed the importance of the right to nationality of every human person as an inalienable human right, recognized that arbitrary deprivation of nationality on racial, national, ethnic or religious grounds is a violation of human rights and fundamental freedoms, and called upon all States to refrain from taking measures and from enacting legislation that discriminates against persons or groups of persons on grounds of race, colour or national or ethnic origin by nullifying or impairing the exercise, on an equal footing, of their right to nationality, and to repeal such legislation if it already exists,

Concerned that the plight of many refugees in certain parts of the world may represent a serious denial of their right to return and of their right to a nationality, and is likely to result in a serious increase in the phenomenon of statelessness,

1. Reaffirms the fundamental right of refugees and internally displaced persons to return voluntarily, in safety and dignity, to their country of origin and/or within it to their place of origin or choice;

2. Emphasizes the crucial importance of the right to return voluntarily to one's country or place of origin as a principal means of long-term resolution of the plight of refugees and internally displaced persons;

3. Reaffirms the fundamental and inalienable nature of the right of every human person to a nationality;

4. Emphasizes its opposition to all instances of arbitrary deprivation of nationality, especially those based on racial, national, ethnic or religious grounds, as a violation of human rights and fundamental freedoms and an impediment to the right to return to one's country;

5. Urges all States to respect and promote the right to return and the right to a nationality;

6. Particularly urges Governments of host States and Governments of countries from which refugees have fled or been driven out actively to negotiate with each other and, where negotiations have not yet been successful, to use the good offices of the Secretary-General or of the United Nations High Commissioner for Human Rights, or neutral third party mediation, and to include representatives of the refugees and of the Office of the United Nations High Commissioner for Refugees, in a genuine and concerted effort to resolve such long-standing questions, the primary purpose of such negotiations being to enable the voluntary repatriation of the refugees to their country of origin without further unnecessary delay, using where necessary the mechanism of an internationally monitored verification process to determine, in accordance with international legal principles, which of the refugee population have the right to return;

7. Requests the United Nations High Commissioner for Refugees to take all necessary steps, in line with the Convention on the Reduction of Statelessness, to ensure that refugees do not become stateless;

8. Calls upon Governments to revise their citizenship laws, with the technical assistance of the Centre for Human Rights and with the advice of the Office of the United Nations High Commissioner for Refugees so that these laws are brought into accord with international human rights law and with the Convention on the Reduction of Statelessness;

9. Decides to keep this matter under consideration at its fiftieth session.

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Forty-ninth session
Agenda item 10 bis

PROMOTION AND PROTECTION OF HUMAN RIGHTS OF CHILDREN AND YOUTH

Mr. Alfonso Martínez, Ms. Attah, Mr. Bossuyt, Mr. Diaz Uribe,
Mr. Guissé, Mr. Hatano, Ms. Palley, Ms. Warzazi, Mr. Weissbrodt
and Mr. Yimer: draft decision

1997/... Rights of the child

At its ... meeting, on .. August 1997, the Sub-Commission decided to transmit to the Committee on the Rights of the Child, through the Secretary-General, a copy of the summary records of the meetings at which agenda item 10 bis entitled "Rights of the child" was discussed, which contain a recommendation that the Committee on the Rights of the Child consider preparing general comments on articles 2, 37 and 40 of the Convention on the Rights of the Child, and expresses its readiness to extend assistance, if requested, particularly in regard to the preparation of a general comment on article 2 relating to discrimination.

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Agenda item 1 (c)

ORGANIZATION OF WORK

METHODS OF WORK OF THE SUB-COMMISSION

Mr. Alfonso Martínez, Ms. Attah, Mr. Bossuyt, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Mr. Maxim and Mr. Mehedi: draft resolution

1997/... Organization of the sessions of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that in its resolution 1997/22 of 11 April 1997 the Commission on Human Rights requested the Sub-Commission to continue thoroughly reviewing its working methods with a view to improving further its efficiency,

Recalling that in the same resolution the Commission called upon the Sub-Commission to focus on its primary role as an advisory body of the Commission, to facilitate efficient and effective participation of non-governmental organizations, to devote sufficient time at its forty-ninth session to the discussion of its working methods and to prepare specific recommendations on that issue for consideration by the Commission,

Mindful of the in-depth debate held at its forty-eighth session on the issue of possible alternatives to how its annual session is organized,

Considering that the present form of its sessions - four weeks of meetings of five working days per week, with at least two daily plenary or in-session committee meetings and a total of not less than 40 meetings per session - is not conducive to improving its effectiveness as an advisory body, since it does not permit an in-depth review and analysis of all the documentation and initiatives submitted for its consideration as a collective body, nor facilitate thorough consultations among its expert members and more constructive exchanges of views and opinions between them and participating governmental and non-governmental observer delegations,

Recalling its decision 1996/112 of 29 August 1996, in which it requested the Secretary-General to examine the financial and other implications of alternatives to the present organization of its sessions,

Having considered the note submitted by the Secretary-General on this subject (E/CN.4/Sub.2/1997/2),

Considering that, prima facie, a five-week session of five working days per week with one week of two daily meetings and four weeks of only one meeting per day offers a better possibility to enhance its capability to play the role of an advisory body to the Commission,

Taking into account that according to the Secretary-General's estimates obtained from the Conference Services Division of the Secretariat and the Administrative and System Support Section of the High Commissioner/Centre for Human Rights (E/CN.4/Sub.2/1997/2, annexes I and II), in the worst possible situation the cost of the five-week-session option mentioned in the preceding paragraph will not exceed 38 thousand dollars, or 1.86 per cent, more than the cost of the present four-week arrangement for its annual sessions,

1. Requests the Commission on Human Rights and the Economic and Social Council to authorize it, on a trial basis, to organize its fiftieth, fifty-first and fifty-second sessions in the form of five-week sessions of five working days per week, with one week of two daily meetings and four weeks of only one meeting per day, with a total of 30 meetings per session;

2. Decides to re-examine this issue at its fifty-second session under the relevant agenda item, in the light of the experience gained during its fiftieth and fifty-first sessions;

3. Recommends the following resolution to the Commission on Human Rights for adoption:

"The Commission on Human Rights,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1997/... of ... August 1997,

Bearing in mind the financial and other implications of alternatives to the present organization of the Sub-Commission's sessions (E/CN.4/Sub.2/1997/2, annexes I and II),

1. Endorses the Sub-Commission's request to be authorized to organize, on a trial basis, its next three sessions in 1998, 1999 and 2000 in the form of five-week sessions of five working days per week, with one week of two daily meetings and four weeks of only one meeting per day, with a total of 30 meetings per session;

2. Requests the Economic and Social Council to authorize the Sub-Commission to organize its fiftieth, fifty-first and fifty-second sessions in the manner indicated in paragraph 1 above."

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Forty-ninth session
Agenda item 9 (a)

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

Mr. Alfonso Martínez, Mr. Fan, Mr. Diaz Uribe, Mr. Khalil,
Mr. Fix Zamudio and Mr. Yimer: draft resolution

1997/... Question of human rights and states of emergency

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the final report of Mr. Leandro Despouy on "Protection of human rights during states of emergency" and the tenth annual list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency (E/CN.4/Sub.2/1997/19 and Add.1),

1. Thanks the Special Rapporteur for the tenth annual list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency (E/CN.4/Sub.2/1997/19/Add.1) and for his final report on the protection of human rights during states of emergency (E/CN.4/Sub.2/1997/19);

2. Requests the Special Rapporteur, firstly, to update the list of States which have proclaimed, extended or terminated a state of emergency, with a view to its consideration by the Commission on Human Rights at its fifty-fourth session, and secondly, to incorporate into his final report on

"Protection of human rights during states of emergency" the suggestions and recommendations made during the debate at the forty-ninth session of the Sub-Commission;

3. Recommends the following draft decision to the Commission on Human Rights for adoption:

The Commission on Human Rights, endorsing resolution 1997/... of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, dated .. August 1997, thanks the Special Rapporteur on the question of human rights and states of emergency, Mr. Leandro Despouy, for his tenth annual list of States which have proclaimed, extended or terminated a state of emergency (E/CN.4/Sub.2/1997/19/Add.1) and for his final report on "Protection of human rights during states of emergency" (E/CN.4/Sub.2/1997/19) and requests the Secretary-General to publish the report, together with its annexes, in all the official languages.

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Agenda item 11 (c)

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

REVIEW OF ISSUES NOT PREVIOUSLY THE SUBJECT OF STUDIES BUT WHICH THE SUB-COMMISSION HAD DECIDED TO EXAMINE

Ms. Warzazi: draft decision

1997/... Humanitarian situation in Iraq

At its ... meeting, on .. August 1997, the Sub-Commission, recalling its decision 1996/107 of 20 August 1996, affirming once again the need to respect the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto, recalling also the Declaration of Minimum Humanitarian Standards contained in document E/CN.4/Sub.2/1991/55, notes with concern the delay in the supply of food and medicines to Iraq reported by several United Nations bodies. This failure to implement the agreement between Iraq and the United Nations, under the terms of Security Council resolution 986 (1995) of 14 April 1995, was moreover recently confirmed by the Under-Secretary-General of the United Nations for Humanitarian Affairs, who has undertaken to continue his efforts to

improve humanitarian supplies. Bearing in mind the right of every person to sufficient food and to basic health care, the Sub-Commission considers that the embargo still in force is seriously jeopardizing the health and nutritional state of the civilian population of Iraq, especially children, women and the most underprivileged sectors of the population. Considering further that measures such as embargoes should be limited in time and should be lifted, even though the legitimate objectives of the measures have not yet been attained, the Sub-Commission decided to appeal once again to the international community and to all Governments, including that of Iraq, to alleviate the suffering of the Iraqi population, in particular by facilitating the supply of food and medicines to meet the needs of the civilian population.

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Agenda item 11

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Mr. Alfonso Martínez, Ms. Attah, Mr. Boutkevitch, Mr. Chernichenko, Mrs. Daes, Mr. Diaz Uribe, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi and Mr. Yimer: draft resolution

1997/... Human rights and scientific and technological developments

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific and technological progress and its applications,

Convinced, in accordance with the International Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the field of science and technology,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States are obliged to protect children against any form of violence or impairment of their physical, mental and psychological integrity,

Aware of the rapid development of the life sciences and technology and the dangers that certain practices may pose to the integrity and dignity of the individual,

Seeking to ensure that scientific and technological progress benefits individuals and develops in a manner respectful of fundamental human rights,

Recalling in this connection resolutions 1991/45 of 5 March 1991, 1993/91 of 10 March 1993 and 1997/71 of 16 April 1997 of the Commission on Human Rights,

Referring to its decisions 1994/108 of 19 August 1994 and 1996/110 of 23 August 1996 regarding this question,

Recognizing in this regard the need for international cooperation in order to ensure that mankind as a whole benefits from the life sciences and to prevent them from being used for any purpose other than the good of mankind,

Taking note of the adoption by the Council of Ministers of the Council of Europe, on 4 April 1997, of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine,

Taking note also of the draft international declaration on the human genome and the protection of human rights, currently being prepared by the United Nations Educational, Scientific and Cultural Organization, which is

intended to establish the principle of the fundamental unity of all members of the human family and to ensure recognition of the dignity inherent in each of them, in the light of scientific and technological developments in the areas of biology and genetics,

Convinced of the need to develop a life sciences ethic at the national and international levels,

Having examined the working document entitled "Potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual" (E/CN.4/Sub.2/1997/34) prepared by Mr. Osman El-Hajjé,

Considering the urgent need for a systematic analysis of the potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual,

1. Recommends that the Commission on Human Rights authorize the Sub-Commission to appoint Mr. Osman El-Hajjé as Special Rapporteur to conduct a detailed study on the problem of the potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual, which would, inter alia, provide a detailed and updated account of the situation and a catalogue of existing national laws, policies and procedures concerning the prevention of the potentially adverse consequences of scientific and technological progress and its applications for the integrity, dignity and human rights of the individual, as well as to propose solutions to problems associated with the existing shortcomings;

2. Recommends the following draft decision to the Commission on Human Rights for adoption:

> "The Commission on Human Rights, taking note of resolution 1997/... of .. August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities approves the appointment of Mr. Osman El-Hajjé as Special Rapporteur to conduct a detailed study of the problem of the potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual, and requests the Special Rapporteur to submit a preliminary report to the fiftieth session of the Sub-Commission. The Commission requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable him to complete his study, and recommends the following draft decision to the Economic and Social Council for adoption:

'The Economic and Social Council, taking note of decision 1998/... of .. April 1998 of the Commission on Human Rights, endorses the appointment of Mr. Osman El-Hajjé as Special Rapporteur to conduct a study on the potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual and requests the Secretary-General to provide him with all the assistance necessary to enable him to complete his study.'"

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Forty-ninth session
Agenda item 10 bis

PROMOTION AND PROTECTION OF HUMAN RIGHTS OF CHILDREN AND YOUTH

Mr. Alfonso Martínez: draft resolution

1997/... Role of the Sub-Commission in the promotion, full realization and protection of the rights of children and youth

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolutions 51/77 on the rights of the child and 51/76 on the girl child and Commission on Human Rights resolutions 1996/85 and 1997/78 on the rights of the child,

Reaffirming that in accordance with the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, and the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women, national and international mechanisms and programmes should be strengthened for the respect of all rights of all children,

Encouraged by the widespread commitment and political will shown by the large number of States that have become parties to the Convention on the Rights of the Child,

Profoundly concerned, nevertheless, at both the lack of realization and continued violations of the rights of children and youth in many parts of the world, due, inter alia, to lack of resources and inadequate implementation of the instruments mentioned above and other relevant national and international standards,

Reaffirming that all States have a duty to fulfil the obligations they have undertaken under the various international instruments to which they are parties or have accepted and emphasizing in this regard the importance of the full implementation by States parties of the provisions of the Convention on the Rights of the Child,

Aware that at both the national and the international level the norms relating to the promotion and protection of the human rights of children and youth are adopted, implemented and monitored by adults and that violations of those rights are also mainly committed by adults, facts which highlight the importance of education aimed at making adults more aware of the mentality, needs and predicaments of children and youth in a given society,

Having considered the report of the Working Group on Contemporary Forms of Slavery on its twenty-second session (E/CN.4/Sub.2/1997/13),

Mindful of the general and other recommendations included in the Working Group's report, in particular those relating to the sexual exploitation of children, the protection of minors from exposure to or involvement in pornography, illegal and pseudo-illegal adoptions aimed at the exploitation of children, allegations of removal of organs from children for the purpose of commercial transplants and non-therapeutical research, the exploitation of child labour, the sale of children, child abuse and the exploitation of children,

Convinced that the Sub-Commission can and must play a positive role in the promotion and protection of the rights of children and youth,

Aware that owing to the large number of United Nations treaty and non-treaty bodies concerned with the promotion and protection of the human rights of children, the role to be played by the Sub-Commission in this field should not duplicate the action and terms of reference of those bodies,

1. Expresses its deep appreciation to the Working Group on Contemporary Forms of Slavery, to its Chairperson-Rapporteur, Ms. Halima Embarek Warzazi, and to its other members for the work relating to the rights of children and youth carried out at its twenty-second session;

2. Expresses its deep conviction that the Sub-Commission can best play a constructive role in the promotion, full realization and protection of the rights of children and youth by drawing upon the expertise of the various United Nations organs, bodies and legal instruments, as well as of the intergovernmental and non-governmental organizations directly or indirectly involved in this sphere, in order to contribute, by means of specific recommendations addressed to them, to improving coordination and cooperation among those entities so as to facilitate concrete action aimed at the realization of all rights of all children and youth.

3. Decides to continue to review annually, as a separate item of its agenda and with due priority, the situation regarding the promotion, full realization and protection of the rights of children and youth, and to provide for sufficient time for its consideration at its fiftieth session.

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THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Ms. Palley, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer: draft resolution

1997/... Question of the impunity of perpetrators of violations of human rights (civil and political rights)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Recalling the interdependence and indivisibility of civil and political rights and economic, social and cultural rights,

Convinced that the increasingly widespread practice worldwide of ensuring impunity for perpetrators of violations of human rights is a fundamental obstacle to the observance of human rights,

Recalling its resolution 1992/23 of 27 August 1992, in which it was decided that a study should be carried out on the impunity of perpetrators of violations of human rights, and Commission on Human Rights resolution 1993/43 of 5 March 1993, in which the Commission endorsed the decision of the Sub-Commission,

Recalling also its resolution 1993/37 of 26 August 1993 and its resolution 1994/34 of 26 August 1994, in which it decided, in order to facilitate the treatment of the question, to entrust Mr. Louis Joinet with the completion of the first aspect of the study, concerning civil and political rights, as well as its resolution 1995/35 of 24 August 1995 and its decision 1996/119 of 29 August 1996,

Bearing in mind section II, paragraph 91 of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights supported the efforts of the Commission and the Sub-Commission to intensify opposition to the practice of ensuring impunity for perpetrators of violations of human rights,

1. Welcomes with satisfaction the final report of the Special Rapporteur on the question of the impunity of perpetrators of violations of human rights (civil and political rights), Mr. Louis Joinet (E/CN.4/Sub.2/1997/20) and in particular the set of principles for the protection and promotion of human rights through action to combat impunity contained in annex II thereto;

2. Thanks the Special Rapporteur for having undertaken extensive consultations during the forty-ninth session of the Sub-Commission in order to revise the set of principles in accordance with the views expressed by the Sub-Commission at its forty-ninth session;

3. Decides to transmit the revised set of principles for the protection and promotion of human rights through action to combat impunity to the Commission on Human Rights at its fifty-fourth session;

4. Recommends that the High Commissioner/Centre for Human Rights transmit the revised set of principles to the General Assembly, through the Economic and Social Council, with a view to its adoption.

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Forty-ninth session
Agenda item 11 (a)

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

THE FIFTIETH ANNIVERSARY OF THE ADOPTION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Mrs. Daes: draft resolution

1997/ ... Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 51/88 on the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights,

Recalling also the significant message of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,

Recalling further Commission on Human Rights resolution 1997/35 on the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights,

Recognizing the Universal Declaration of Human Rights as the source of inspiration and the basis of subsequent progress in the field of human rights and fundamental freedoms,

Expressing its serious concern that international human rights standards are not fully and universally respected, that human rights, in particular those of vulnerable groups in society, continue to be violated in many parts of the world and that millions of people still suffer misery, live in poverty and are deprived of the full enjoyment of their civil, political, economic, social and cultural rights,

Convinced of the necessity to respect human rights in all situations and to strengthen the efforts of the United Nations in this regard,

Reaffirming that human rights are of international concern and that the Universal Declaration of Human Rights constitutes an international standard of paramount importance which has been incorporated in the text of State constitutions in many countries all over the world,

Recognizing the important contribution made by non-governmental organizations and national institutions in the promotion, protection and implementation of human rights,

Noting the comprehensive report of the United Nations High Commissioner for Human Rights to the General Assembly at its fifty-first session (A/51/36),

Mindful that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

1. Urges Governments to review and assess the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights, to identify obstacles to progress in this area and ways in which they can be overcome, to consider ratifying the International Covenants on Human Rights, if they have not yet done so, and to take legislative and administrative measures to promote and effectively protect human rights and fundamental freedoms;

2. Invites national institutions, non-governmental organizations and scholars to intensify their efforts to inform public opinion for a greater understanding and effective implementation of the Universal Declaration of Human Rights;

3. Decides to devote a meeting during its fiftieth session to celebrating the fiftieth anniversary of the Declaration.